

Response
Serial No. 09/814,656

Docket No. US010088

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REMARKS

Request for reconsideration and allowance of all the pending claims are respectfully requested in light of the following remarks. Claims 1-22 are pending herein and stand rejected.

Claims 1-4, 6, 8, 9, 11, 12, 14, 15 & 18-21 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatenable over Bruls (U.S. 6,459,850).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Claim 1, as amended, recites:

1. A method for automatically adjusting recording bit rates, the method comprising the steps of:
 - (a) receiving a plurality of video programs;
 - (b) concurrently with step (a), *analyzing the content of said video programs to categorize said video programs into a plurality of categories;*

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(c) determining target bit rates for the respective said video programs according to the corresponding analysis outcome; and,

(d) encoding said video programs based on the corresponding target bit rates determined in step (c).

Independent claims 8 and 14 recite similar limitations.

As indicated by the Examiner, Bruls, col. 6, lines 9-21 discloses "complexity information of program types is provided in the system controller, e.g. in a table in a memory 50..."

However, Bruls does not teach concurrently with step (a), analyzing the content of said video programs to categorize said video programs into a plurality of categories. Moreover, Bruls teaches that: "The program type may be known to the source of the program to be encoded, may be indicated in the signal or may be entered by the user. Thus, Bruls does not teach analyzing content for the purpose of categorizing, see col. 6, lines 15-18.

Having shown that the device resulting from the teachings of the cited references does not include all the elements of the present invention, applicant submits that the reasons for the examiner's rejections of the claims have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of instant independent claims 1, 8 and 14.

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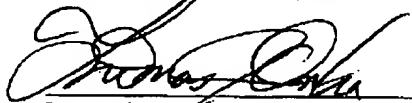
Claims 7, 10 & 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatenable over Bruls in view of Kuroda (U.S. 6,311,011). Claims 5, 13 & 22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatenable over Bruls in view of Kikuchi et al. (U.S. 6,577,811). Claim 17 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatenable over Bruls in view of Kuroda in further view of Kikuchi et al.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. Dependent claims 5, 7, 10, 13, 16, 17 and 22 are dependent from one of the independent claims discussed above, and are believed allowable for at least the same reasons. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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(Signature and Date)